



Minutes of the Regular Meeting of the Town Board

Thursday, December 16, 2021

7:00 PM

Town Hall

1. **REGULAR TOWN BOARD MEETING – December 16, 2021 - 7:00 PM**
2. **Agenda Review Session – 6:00 PM Supervisor Conference Room**
3. **Call to Order**

Attendee Name	Title	Status	Arrived
Paula Mahan	Town Supervisor	Present	
Jill Penn	Councilwoman	Present	
Danielle Futia	Councilwoman	Present	
Melissa Jeffers	Councilwoman	Present	
Linda J. Murphy	Councilwoman	Present	
Brian C. Austin	Councilman	Present	
Rick J Field	Councilman	Present	
Michael C Magguilli	Town Attorney	Present	
Julie Gansle	Town Clerk	Present	

4. **Pledge of Allegiance**
5. **Personnel: Resolution No. 486**

A. Matthew C. LaJoy

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

B. Susan Conlon

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

C. Robert J. Beshaw

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

D. James Ainscoe

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jill Penn, Councilwoman
SECONDER:	Melissa Jeffers, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

6. Public Hearings

Public Hearing in connection to Section 202b of the New York State Town Law approving/not approving the proposed River Road Storage & Mohawk View Water Treatment Plant Mixing Upgrades.

- * Special Counsel provided information in connection with the proposed upgrades and associated costs;
- * Public hearing was closed

Resolution No. 487 of 2021

Resolution pursuant to Section 202b of the New York State Town Law approving the proposed River Road Storage & Mohawk View Water Treatment Plant Mixing Upgrades.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Public Hearing in connection with the Code of the Town of Colonie, thereof, amending Chapter 29 of the Town Code entitled “Officers and Employees” increasing the term of office of the Town Supervisor and Town Clerk.

- * Town attorney provided information as to the proposed local law;
- * Residents spoke in opposition to the proposed local law as presented and offered additional ideas for discussion;
- * Residents spoke in support of the proposal and endorsed the idea of more time governing and less time campaigning;
- * Supervisor commented that the proposed local law and its timing was to keep politics out of the resolution and to put the idea to the residents for vote;
- * Public hearing was closed

Resolution No. 488 of 2021

Resolution adopting a local law in connection with the Code of the Town of Colonie, thereof, amending Chapter 29 of the Town Code entitled “Officers and Employees” increasing the term of office of the Town Supervisor and Town Clerk.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Danielle Futia, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Austin, Field
NAYS:	Linda J. Murphy

Public Hearing in connection with the Code of the Town of Colonie, thereof, amending Chapter 17-4 of the Town Code entitled “Conflicts of Interest”.

- * Town attorney provided explanation that the proposed local law would bring town code into compliance with the terms of General Municipal Law;
- * Public Hearing was closed

Resolution No. 489 of 2021

Resolution adopting a local law in connection with the Code of the Town of Colonie, thereof, amending Chapter 17-4 of the Town Code entitled “Conflicts of Interest”.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

7. Public Comment

- * Resident spoke in connection with Resolution 509;
- * Town Attorney explained the annual renewal and current expiration;
- * Human Resources Director commented that 4 bargaining units were still in negotiations;
- * Resident thanked the current board members and welcomed the new office holders;
- * No additional comments received

8. Resolutions

Resolution No. 490 authorizing the Supervisor to enter into agreements with VHB for the Management Information Services Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Danielle Futia, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 491 authorizing the Supervisor to enter into an Agreement with the County of Albany for the III-E Caregivers Programming for assistance and counseling to elderly persons.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 492 approving the appointment by the Receiver of Taxes of the Deputy Receiver of Taxes.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 493 authorizing the General Services Director to advertise for bids in connection with the Collection Operational Facility Project for the DPW/Division of Pure Waters.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 494 authorizing the General Services Director to advertise for bids in connection with the Schuyler Road Pumping Station Rehabilitation Project for the DPW/Division of Pure Waters.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 495 authorizing the General Services Director to advertise for bids in connection with the Mohawk View Water Pollution Control Plant Blower Rehabilitation Project for the DPW/Division of Pure Waters.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 496 authorizing the Supervisor to declare an emergency in connection with repair of the sanitary sewer system at 9 Fonda Road by ANJO Construction, Ltd. and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 497 authorizing the Supervisor to declare an emergency in connection with repair of the sanitary sewer system at 31 Loudon Parkway by ANJO Construction, Ltd. and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 498 authorizing the Supervisor to declare an emergency in connection with repair of the sanitary sewer system at 22 Surfwood Drive by ANJO Construction, Ltd. and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 499 authorizing the Supervisor to declare an emergency in connection with repair of the sanitary sewer system at the Schuyler Road Pump Station Forcemain by ANJO Construction, Ltd. and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 500 authorizing the Supervisor to execute Change Order No. 1 to the contract with ANJO Construction, Ltd. in connection with the 2021 Sanitary Sewer Repair Program-Group 2.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 501 authorizing the Supervisor to execute Change Order No. 1 to the contract with James H. Maloy, Inc. in connection with the Dry River Sewer Trestle No. 3 Replacement Project.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 502 authorizing the Supervisor to execute an Engineering Agreement with GHD Consulting Services, Inc. in connection with general engineering services with the DPW/Division of Pure Waters for 2022.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 503 authorizing the Supervisor to execute Amendment No. 2 to the Engineering Agreement with JMT of New York in connection with the Dry River Sewer Trestle No. 3 Replacement Project for the DPW/Division of Pure Waters.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 504 recognizing the Town of Colonie Professional Employees Alliance.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Jeffers, Murphy, Austin
NAYS:	Danielle Futia, Rick J Field

Resolution No. 505 authorizing the Supervisor to execute a Collective Bargaining Agreement with the United Public Service Employees Union, Administrative Unit G.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 506 authorizing the Supervisor to execute a Collective Bargaining Agreement with the Town of Colonie Professional Employees Alliance.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Jeffers, Murphy, Austin
NAYS:	Danielle Futia, Rick J Field

Resolution No. 507 authorizing the Supervisor to enter into an Agreement with Access Compliance, LLC in connection with various professional medical services for the year 2022.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 508 authorizing the Supervisor to enter into an Agreement with Behavioral Health Specialist, PLLC for the year 2022.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 509 authorizing the Supervisor to enter into a Professional Service Agreement with Roemer, Wallens, Gold & Mineaux, LLP in connection with labor relations services for the year 2022.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin
NAYS:	Rick J Field

Resolution No. 510 authorizing the Supervisor to enter into an Agreement for Services as Independent Contractor with Dr. Robert Wishnoff d/b/a Human Resources Associates for the year 2022.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 511 authorizing the Supervisor to enter into an agreement with Capital Bauer, a division of Arthur J. Gallagher & Co., to provide benefits brokerage, administrative and consulting services for 2022.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 512 authorizing an increase to salaries of certain Town titles/employees.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Jeffers, Murphy, Austin
NAYS:	Danielle Futia, Rick J Field

Resolution No. 513 rescinding all prior resolutions pertaining to establishing positions and rates of pay for seasonal employees in various Town departments and adopting a new resolution establishing positions and rates of pay for seasonal employees in various Town Departments for 2022 and authorizing the Supervisor to make appointments to such positions.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 514 rescinding all prior resolutions pertaining to establishing positions and rates of pay for Parks and Recreation Department 2021 seasonal employees and adopting a new resolution establishing positions and rates of pay for Parks and Recreation Department 2022 seasonal employees for the Town of Colonie.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Melissa Jeffers, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 515 authorizing Laura Cronin, Public Safety Dispatcher, in the Police Department, to take leave without pay.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Melissa Jeffers, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 516 designating holidays for Town of Colonie employees.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 517 establishing time and basis of payment to employees.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 518 scheduling Town Board Meetings for the year 2022.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Melissa Jeffers, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 519 rescinding all previous resolutions pertaining to the Civil Service Examination Fee Schedule and adopting a new Civil Service Examination Fee Schedule effective immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 520 authorizing the Supervisor to enter into an agreement with Jared Slingerland for Town Band Librarian services.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Linda J. Murphy, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 521 authorizing the Supervisor to enter into an Agreement with State33, Inc. d/b/a Manage My Market in connection with the Farmer's Market.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 522 appointing or reappointing members to the High School Youth Services Division Youth Advisory Board.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 523 rescinding all prior resolutions pertaining to adopting a Fee Schedule for the Parks and Recreation Department and adopting a new Fee Schedule for Parks and Recreation for 2022.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 524 authorizing expenditure of funds from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with litigation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Danielle Futia, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 525 authorizing the Supervisor to execute Amendment No. 2 to the Engineering Agreement with Ramboll in connection with the River Road Storage and Mohawk View Water Treatment Plant Mixing Project for the DPW/Division of Latham Water.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 526 authorizing the Supervisor to reimburse for overestimated water usage at 6 Knollwood Drive.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jill Penn, Councilwoman
SECONDER:	Danielle Futia, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 527 rescinding all prior resolutions pertaining to Roll-Off Container Fees and Town Highway Permits and adopting a new Fee Schedule for Residential Use of DPW/Highway Division Roll-Off Containers and adopting a new Fee Schedule for Town Highway Permits.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Linda J. Murphy, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 528 adopting rates for hired trucks and setting rates for the year 2022 for the DPW/Highway Division.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 529 authorizing the Supervisor to execute agreements with West Albany Fire District, S.W. Pitts Hose Company, Schuyler Heights Fire District, Boght Community Fire District and the NYS Division of Military & Naval Affairs to provide fuel storage space at the Public Operations Center Fuel Storage Facility.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Danielle Futia, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 530 pursuant to Highway Law §142-b(3) authorizing the Supervisor to enter into agreements with any or all of the Fire Districts and Fire Protection Districts for snow removal and salting of a portion of firehouse parking lot(s) for 2022.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Linda J. Murphy, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 531 authorizing the Supervisor to enter into a Professional Services Agreement with CHA Consulting in connection with the Fire Tower Repair Project.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Melissa Jeffers, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 532 authorizing the payment of Engineering Inspection Fees to Weston & Sampson in connection with the re-inspection of sewer laterals in the Schuyler Manor Subdivision.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Melissa Jeffers, Councilwoman
SECONDER:	Jill Penn, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

JP?MJ amended during agenda review to reflect :Schuyler **Manor** Subdivision

Resolution No. 533 awarding the bid for Road Materials for 2022 to Town and Country Bridge and Rail and authorizing the Supervisor to enter into an Agreement for same.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 534 authorizing the Supervisor to enter into a Lease Agreement with Wells Fargo Financial for the lease of golf cars for the Town of Colonie Golf Course.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Linda J. Murphy, Councilwoman
SECONDER:	Brian C. Austin, Councilman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field

Resolution No. 535 authorizing the Supervisor to execute a revised Escrow Agreement and an Assignment to the Escrow Agreement in connection with Schuyler Manor Subdivision.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian C. Austin, Councilman
SECONDER:	Linda J. Murphy, Councilwoman
AYES:	Mahan, Penn, Futia, Jeffers, Murphy, Austin, Field